

ASSEMBLY BILL

No. 1079

Introduced by Assembly Members Sharon Runner and Spitzer

February 22, 2005

An act to add Section 4689.65 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1079, as introduced, Sharon Runner. State Department of Developmental Services: criminal histories.

Under existing law, the Lanterman Developmental Disabilities Services Act, California accepts a responsibility for persons with developmental disabilities and an obligation to them to provide necessary services and related support. The Director of Developmental Services is responsible for coordination of services and supports for persons with developmental services, including, but not limited to, administration of the state developmental centers and provision of community services and supports through contracts with private nonprofit agencies for operation of the regional centers for persons with developmental disabilities.

Existing law requires the director, in providing community services through vendors, to obtain criminal history information regarding providers of community care.

This bill would, similarly, require the director to obtain criminal history information regarding the consumers and, notwithstanding confidentiality provisions, to disclose that information to the regional centers and existing or prospective community care providers.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4689.65 is added to the Welfare and
2 Institutions Code, immediately following Section 4689.6, to read:
3 4689.65. (a) The Director of Developmental Services shall
4 secure from the Department of Justice, and if applicable, the
5 Federal Bureau of Investigation, a full criminal history of each
6 consumer prior to placement into a community placement.
7 (b) The director shall review the history information and,
8 notwithstanding Sections 4514 and 5328, shall share information
9 contained in the criminal history report with the regional center
10 to the extent that the director determines that the disclosure is
11 necessary to prevent harm to the consumer, the provider, or the
12 community. The director or the regional center, similarly, shall
13 share the information with the consumer's community care
14 provider, or prospective provider as necessary to ensure a safe
15 community placement.
16 (c) Further disclosures of that information pursuant to this
17 section shall be only as authorized pursuant to Sections 4514 and
18 5328, as appropriate.

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